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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/728,341	12/03/2003	Bruno Ghyselen	4717-12800	8599
28765	7590	04/19/2005	EXAMINER	
WINSTON & STRAWN LLP 1700 K STREET, N.W. WASHINGTON, DC 20006			PERT, EVAN T	
			ART UNIT	PAPER NUMBER
			2826	

DATE MAILED: 04/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

AK

Office Action Summary

Application No.

10/728,341

Applicant(s)

GHYSELEN ET AL.

Examiner

Evan Pert

Art Unit

2826

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 2 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☒ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-21 is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☒ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| <p>1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)</p> <p>2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)</p> <p>3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>0404</u>.</p> | <p>4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____</p> <p>5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)</p> <p>6) <input type="checkbox"/> Other: _____</p> |
|---|--|

DETAILED ACTION

Priority

1. Acknowledgment is made of applicant's claim for foreign priority based on an application filed in France on July 10, 2003, wherein a certified copy of the French application is required by 35 U.S.C. 119(b). Unfortunately, while applicant indicates that a certified copy was submitted, such copy is not of record in the electronic file wrapper.

Drawings

2. The replacement drawings received on January 20, 2004 are approved.

Claim 1

3. At line 12 of claim 1, "an useful" should properly read --a useful--, although the scope is unaffected by the use of "an" or "a." Correction is requested.

Allowable Subject Matter

4. Claims 1-21 are allowed.

5. The following is a statement of reasons for the indication of allowable subject matter:

The prior art does not disclose applicant's claimed methodology, distinguishable from prior art by a combination of limitations including: 1) "*providing* a layer of irregular material *on* a donor substrate to form an irregular layer *having a flat face* at an interface with the donor substrate and *an opposite irregular face*," 2) "providing an intermediate layer of material providing a substantially flat surface that is bonded to a receiver substrate," and 3) "detaching the donor substrate along a weakened zone *within the donor substrate*."

Applicant's claimed methodology is useful, for example, in transferring an irregular layer of material that is difficult to polish, such as CVD diamond, from a donor substrate to a receiver substrate that has a useful layer.

Applicant provided an international search report indicating "x" and "y" references that superficially suggest pending claims are not patentable in view of prior art, yet a review of the cited references suggests that the pending claims are different than the claims to which the search report was applied:

For example, US 5,298,449 is indicated as an "x" reference, yet this reference does not disclose 1) "*providing a layer of irregular material on a donor substrate to form an irregular layer having a flat face at an interface with the donor substrate and an opposite irregular face,*" for example, but rather discloses providing an irregular pattern or topography of materials, which do not meet the "flat face" and "irregular face" limitations in the context of an irregular layer being provided on a donor substrate.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

US 2005/0028728 is cited for disclosing a method of providing a layer of irregular material (i.e. diamond), smoothing the irregular layer with an intermediate layer, and then transferring to a receiver substrate by detaching, but not by a weakened zone "within" the donor substrate. Furthermore, applicant's foreign priority antedates this reference.

US 2004/0178448 is cited for disclosing a method of providing a substrate with an irregular layer, smoothing the irregular layer with an intermediate layer, and bonding the smoothed irregular layer a receiver substrate, yet does not disclose the limitation of "detaching the donor substrate along a weakened zone *within the donor substrate*."

Furthermore, applicant's foreign priority antedates this reference.

US 2002/0164876 is cited for disclosing methodology for smoothing wafers of polycrystalline material by a filler material, suitable for subsequent bonding, yet does not disclose the limitation of "*providing a layer of irregular material on a donor substrate*," for example.

7. This application is in condition for allowance except for the required submission of certified copy of priority document, per item 1 above.

Prosecution on the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

A shortened statutory period for reply to this action is set to expire **TWO MONTHS** from the mailing date of this letter.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Evan Pert whose telephone number is 571-272-1969. The examiner can normally be reached on M-F (7:30AM-3:30 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan Flynn can be reached on 571-272-1915. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ETP
April 14, 2005


EVAN PERT
PRIMARY EXAMINER